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C O N F I D E N T I A L OTTAWA 001576

NOFORN
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E.O. 12958: DECL: 12/22/2018
TAGS: [PREL](#) [MOPS](#) [NATO](#) [IZ](#) [CA](#)
SUBJECT: CANADA TO HALVE IRAQ EXCHANGE OFFICER CONTINGENT

REF: A. OTTAWA 1501
[1](#)B. STATE 126109
[1](#)C. BAGHDAD 3630

Classified By: PolMinCouns Scott Bellard, reasons 1.4 (b) and (d)

[1](#)1. (C/NF) Summary: Canada has run out of time to secure an agreement with Iraq that would allow Canadian exchange officers to receive immunities consistent with the U.S. Status of Forces Agreement (SOFA). Canada will halve its contingent of military exchange officers embedded with American units in Iraq after December 31, 2008, when the UN mandate for Iraq expires. End summary.

[1](#)2. (C/NF) According to Department of Foreign Affairs and International Trade legal officer Suneeta Millington, Canada has run out of time to secure an agreement with the Government of Iraq that would allow Canadian exchange officers to receive immunities consistent with the U.S.' SOFA. Canada's Department of National Defence (DND) conducted a risk assessment for the embedded officers, taking into account their duties and duty stations, and concluded that five of the nine officers could remain with their units. However, Canada will pull out four military exchange officers embedded with U.S. units before the end of the year.

[1](#)3. (C/NF) Millington noted the Iraqis did not understand the concept of an exchange of non-legally binding letters (outlined in ref a), and were unwilling to grant Canadian military officers immunities consistent with the U.S. SOFA without some legally binding document. Millington expressed regret that neither Iraq and Canada has the capacity at this late date to negotiate a legally binding agreement before the year,s end. She added that Canada would now seek to have such a document in place by March 2009, when new Canadian personnel are scheduled to rotate in with their U.S. units.

[1](#)4. (C/NF) Millington confirmed that according diplomatic status to the exchange officers through the Canadian embassy in Jordan was a &non-starter8 for legal and policy reasons. DFAIT senior policy makers expressed grave concerns about giving diplomatic status to those who might use deadly force, even in self-defense, for purposes not related to the function of a diplomatic mission, according to Millington. She added that the DFAIT was also concerned about creating the precedent for foreign missions in Canada if they went this route. She also noted that the Iraqis were cool to this idea in any event as well, which reinforced DFAIT,s message to DND advocates that &diplomatic status must be granted and is not something one takes.8

[1](#)5. (C/NF) Millington closed with a request for U.S. &good

offices⁸ to facilitate the early negotiation of an exchange of letters between Canada and the Government of Iraq. Noting the lack of Iraqi capacity in this area, Millington said Canada believes U.S. backing will be important to finding a resolution to this problem before March 2009. She said that Canadian embassy officials in Washington would likely make representations toward this goal before the year's end.

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